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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,428	09/26/2003	Teow Beng Hur	82533	8193

20529 7590 06/10/2009
THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314

EXAMINER

PLUMMER, ELIZABETH A

ART UNIT	PAPER NUMBER
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3635

MAIL DATE	DELIVERY MODE
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06/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/671,428	Applicant(s) HUR, TEOW BENG	
	Examiner ELIZABETH A. PLUMMER	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-18 and 21-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-18 and 21-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's amendments and arguments received 08/28/2008 have been entered and considered. Claims 3-4 and 19-20 have been canceled. Claim 22 has been added. An examination of pending claims 1, 2, 5-18, 21 and 22 is herein presented.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 5-10, 16 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 2 recites the limitation "an edge associated with the abutment about which the strut..." in line 11. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, it is assumed that claim 2 has the same limitation as recited in claim 1, which reads "each brace structure also including an abutment connected to the sub-structure, a strut extending from the side form...".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 12, 15, 17, 21 and 22 rejected under 35 U.S.C. 102(b) as being anticipated by Vaughan et al. (US Patent 3,687,412.

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a. Regarding claim 1, Vaughan et al. discloses a formwork system for use in casting prefabricated wall or floor panels (abstract) including a support structure (13,14) including a platform (14) and a sub-structure (13) supporting the platform (Fig. 1, 2), the platform having a platform surface defining a first panel surface of a panel to be cast, a plurality of side forms (15,16) being positionable on the platform surface (Fig. 2), each side form having a side form surface defining an additional panel surface of the panel to be cast (column 2, lines 44-46), each side form being braced by at least one brace structure (Fig. 1,2) connected to the support structure (13) (Fig. 1) for bracing the plurality of side forms in position, and each brace structure having adjustments means (19,25,26) for permitting adjustment of the position of each side form on the platform to adjust the length and width dimensions of the panel to be cast (column 3, lines 43-47), each brace structure also includes an abutment connected to the substructure (28,38), a strut (17) extending from the side form, the adjustment means (25,26) providing a connection between the structure and the abutment that permits adjustment of the position of each side form of the platform, and wherein the adjustment means includes a threaded bore associated with the abutment (Fig. 2) and a threaded shaft forming at least in part the strut which is received by the threaded bore so that rotation of the shaft relative to the bore causes adjustment of the strut and the side form relative to the abutment (Fig. 2; Fig. 5; column 3, lines 60-68; column 4, lines 26-31).

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b. Regarding claim 2, Vaughan et al. discloses a formwork system for use in casting prefabricated wall or floor panels (abstract) including a support structure (13,14) including a platform (14) and a sub-structure (13) supporting the platform (Fig. 1, 2), the platform having a platform surface defining a first panel surface of a panel to be cast, a plurality of side forms (15,16) being positionable on the platform surface (Fig. 2), each side form having a side form surface defining an additional panel surface of the panel to be cast (column 2, lines 44-46), each side form being braced by at least one brace structure (Fig. 1,2) connected to the support structure (13) (Fig. 1) for bracing the plurality of side forms in position, and each brace structure having adjustments means (19,25,26) for permitting adjustment of the position of each side form on the platform to adjust the length and width dimensions of the panel to be cast (column 3, lines 43-47), each brace structure also includes an abutment connected to the substructure (28,38), a strut (17) extending from the side form, wherein the adjustment means includes an edge associated with the abutment about which the strut pivots (column 3, lines 31-34; Fig. 5), wherein the adjustment means includes an edge associated with the abutment (by 35) about which the strut pivots (column 3, lines 31-34), a height adjuster is located at a distal end of the strut for adjusting the position of the distal end of the strut relative to the substructure, a proximal end of the strut engages the side form so that elevating the position of the distal end of the strut creates a clamping force at the proximal end of the strut clamping the side form in position on the platform.

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- c. Regarding claim 12, the substructure includes beams which provide support to the platform (Fig. 2).
- d. Regarding claim 15, the formwork system is extended using a modular extension mould to prefabricate higher heights of wall panel (column 4, lines 61-68).
- e. Regarding claim 17, the substructure includes channels which provide support to the platform (Fig. 2).
- f. Regarding claim 21, the adjustment means can permit continuous adjustment in a single dimension of the position of each side form on the platform to adjust the length or width dimensions of the panel to be cast (column 1, lines 45-47).
- g. Regarding claim 22, a member directly (66) connected to the shaft can cause the shaft to rotate (column 4, lines 21-31).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-7, 11, 16 and 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaughan et al. (US Patent 3,687,412) in view of Stehm (US Patent 1,100,452).

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a. Regarding claim 5, Vaughan et al. discloses the invention as claimed except for the height adjuster including a threaded bore associated with the distal end of the strut, and a threaded shaft received by the threaded bore, a distal end of the threaded shaft engages the substructure so that rotation of the threaded shaft relative to the threaded bore causes the elevation of the distal end of the strut to alter, to thereby alter the clamping force. However, Vaughan et al. discloses a method of using a threaded bore and associated shaft to move the side forms. While Vaughan does not disclose that the same method of using a threaded bore and associated shaft can be used to move the height adjuster rather than manually moving the height adjuster, it is also well known in the art that threaded bores and associated shafts can be used to move objects in the z-direction. For example, Stehm teaches moving a height adjuster with a threaded bore and associated shaft (page 3, lines 1-15; Fig. 5,6) in order to be able to adjust the height and then keep it locked in one place. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vaughan et al. to use the method of a threaded bore at the distal end of the strut with a corresponding thread shaft to move the distal end up or down, such as taught by Stehm, in order to more easily raise or lower the height adjuster.

b. Regarding claims 6 and 11, Stehm further teaches that all of the side forms and bottom platform can come in various sizes (page 2, lines 122-128) in order to produce panels of different shapes and sizes. While Stehm does not

explicitly state that the height of the side forms can vary, it would have been obvious to vary any of the dimensions, including the height, width and length, in order to create the panels in a multitude of different shapes. Therefore while Vaughan et al. in view of Stehm does not explicitly disclose a plurality of sets of side forms each varying in height to permit casting of panels of varying thickness, it would have been a matter of obvious design choice to supply side forms which vary in any dimension, such as taught by Stehm, in order to be able to create a greater variety of panels.

c. Regarding claim 7, Vaughan et al. further discloses the substructure includes beams which provide support to the platform (Fig. 2).

d. Regarding claim 16, the substructure includes channels which provide support to the platform (Fig. 2).

e. Regarding claim 18, Stehm further teaches that all of the side forms and bottom platform can come in various sizes (page 2, lines 122-128) in order to produce panels of different shapes and sizes. While Stehm does not explicitly state that the lengths of the side forms can vary, it would have been obvious to vary any of the dimensions, including the height, width and length, in order to create the panels in a multitude of different shapes. Therefore while Vaughan et al. in view of Stehm does not explicitly disclose a plurality of sets of side forms each varying in height to permit casting of panels of varying thickness, it would have been a matter of obvious design choice to supply side forms which vary in

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any dimension, such as taught by Stehm, in order to be able to create a greater variety of panels.

3. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaughan et al. (US Patent 3,687,412) in view of Stehm (US Patent 1,100,452) as applied to claim 5 above, and further in view of Moore (US Patent 4,131,405).

a. Regarding claims 8 and 9, Vaughan et al. in view of Stehm disclose the invention as claimed except for each side form designed to impart a pattern or shape onto the surface of the panel. However, is notoriously well known in the art that side forms of formwork or moldings can have a design on them in order to be able to imprint a pattern or shape onto a panel. For example, Moore teaches a formwork or molding (column 1, lines 7-19) wherein the side forms can impart a design, pattern or shape to the panel being formed (column 2, lines 61-66; column 4, lines 8-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vaughan et al. in view of Stehm to use side forms with a design to impart a pattern or shape, such as taught by Moore, in order to create panels that are prefabricated with an architectural finish.

b. Regarding claim 10, Vaughan et al. view discloses the formwork system can be extended using a modular extension mould to prefabricate higher heights of wall panel (column 4, lines 61-62).

4. Claims 13 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Vaughan et al. (US Patent 3,687,412) in view of Moore (US Patent 4,131,405).

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a. Regarding claims 13 and 14, Vaughan et al. in view of Stehm disclose the invention as claimed except for each side form designed to impart a pattern or shape onto the surface of the panel. However, is notoriously well known in the art that side forms of formwork or moldings can have a design on them in order to be able to imprint a pattern or shape onto a panel. For example, Moore teaches a formwork or molding (column 1, lines 7-19) wherein the side forms can impart a design, pattern or shape to the panel being formed (column 2, lines 61-66; column 4, lines 8-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vaughan et al. in view of Stehm to use side forms with a design to impart a pattern or shape, such as taught by Moore, in order to create panels that are prefabricated with an architectural finish.

Response to Arguments

5. Applicant's arguments filed 08/28/2008 have been fully considered but they are not persuasive. Regarding applicant's argument that the threaded shaft does not rotate, examiner directs the applicant to column 4, line 26, which reads, "The screw is rotatable...". Regarding applicant's argument that the struts do not pivot, column 3, lines 31-32 read, "The struts can be pivoted about the mould edge member...". The pivoting means is just be raising or lowering a section; note, however, there is still pivoting action.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH A. PLUMMER whose telephone number is (571)272-2246. The examiner can normally be reached on Monday through Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/
Primary Examiner, Art Unit

/E. A. P./

Examiner, Art Unit 3635